



REMARKS

Upon entry of this amendment, claims 1-34 are pending. No new matter was introduced by amendments to the claims submitted herewith.

I. Rejection under 35 U.S.C. §102

Claims 32-34 were rejected under 35 U.S.C. §102 as being anticipated by Van Duzer et al., U.S. Pat. No. 5,334,600 ("Van Duzer") Applicants respectfully disagree. To compare the compounds of the present invention and the compounds having the structure represented by the generic formula of Van Duzer, Applicants note that what is designated as X in both formulae must be an oxygen, and the nitrogen that is adjacent to the carbon to which X is attached in each formula must correspond. Therefore, what is represented by R' in the pending claims, as amended, must correspond to the entire structure depicted to the left of the corresponding nitrogen in Van Duzer's generic formula. Further, what is represented by R in the pending claims, as amended, must correspond to R₁ in Van Duzer's generic formula. In the claims at issue (claims 32-34), R' is defined as H, C¹⁻⁴ alkyl or arakyl when X is oxygen. This definition does not include a fused heterocycle which is part of Van Duzer's structures. In addition, Van Duzer's compounds are described as having a lower alkynylene part (represented by B), which also is not included in the definition of R' in claims 32-34. Therefore, Van Duzer does not anticipate the compounds of the claimed invention. Applicants respectfully request that these rejections be withdrawn.

II. Rejection under 35 U.S.C. §112, First Paragraph

Claims 1-34 were rejected under 35 U.S.C. §112 first paragraph as not reasonably enabled by the specification. Applicants respectfully traverse the Examiner's assertion that undue experimentation would be necessary to practice the claimed invention. As stated in the instant application (see page 4, line 27 to page 5, line 7), the present invention is based on the observation that the hydroxylamine derivatives sharing the common core structure represented by formula (II), with certain other structural characteristics as clearly defined in the pending claims, are capable of increasing molecular chaperone levels in treated cells. The diversity of the structures that fall within the claimed compounds does not affect this biological characteristic, which is an effect of the core structure represented by formula (II). To illustrate

this point, Applicants have presented ample examples that cover a wide range of structures, which are summarized in the attached table according to the structural elements and their biological activities (Exhibit A). Applicants also direct the Examiner's attention to the claims of U.S. Patent No. 6,653,326, which is issued from U.S. App. No. 08/860,582, from which the instant application claims priority to as a divisional application, where the protection of diverse structures being sought in the present application was granted by the USPTO.

Applicants respectfully request reconsideration and withdrawal of these rejections.

III. Rejection under 35 U.S.C. §112, Second Paragraph

Claims 1-34 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Claims as amended to properly indicate R' instead of R, thus obviating these rejections.

In view of the above amendment, Applicant believe the pending application is in condition for allowance.

No fee is believed due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. CytRx/009, from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

Erika Takeuchi

Registration No.: 55,661
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, New York 10020-1104
(212) 596-9000
(212) 596-9090 (Fax)
Attorneys/Agents For Applicant